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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,722	11/26/2003	Mohd Nazri Bin Husain	MAT-8486US	7343
23122	7590	11/24/2004	EXAMINER	
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			CARRILLO, BIBI SHARIDAN	
		ART UNIT	PAPER NUMBER	
		1746		
DATE MAILED: 11/24/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/722,722	HUSAIN ET AL.
	Examiner Sharidan Carrillo	Art Unit 1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 26 November 2003.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 1-8 and 19-29 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 9-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) 1-29 are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 11/26/2003.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-8, drawn to a composition, classified in class 510, subclass 463.
  - II. Claims 9-18, drawn to a method, classified in class 134, subclass 3.
  - III. Claims 19-29, drawn to an apparatus, classified in class 134, subclass 56R.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, the product can be used for a different purpose such as passivation.
3. Inventions I and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different functions.
4. Inventions II and III are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP §

806.05(e)). In this case, the process as claimed can be practiced by another materially different apparatus such as brushing.

5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
6. During a telephone conversation with Mr. Lawrence Ashery on 11/14/2004 a provisional election was made without traverse to prosecute the invention of Group II, claims 9-18. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-8 and 19-29 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

#### ***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
8. Claims 9-18 rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for citric acid and Garcinia and articles made from ceramic, copper, brass, and aluminum, does not reasonably provide enablement for any type of extracted material, natural plant, or any type of article. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention commensurate in scope with these claims.

The claims embrace an invention which contains any known extracted material, natural plant, and article, which could/can be selected from literally thousands. It does not appear to be feasible that any extracted material, natural plant, or article would function in the present invention. Further, for one skilled in the art to reproduce the present invention (which must be possible, if the specification is adequate), there would clearly be undue experimentation to do so in an attempt to figure out which extracted material, natural plant, or article would work and which ones do not.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 9-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 is indefinite because it is unclear whether the cleaning is done using a detergent (i.e surfactant) in combination with the extracted material (i.e. citric acid) or whether the extracted material is considered the detergent. It is unclear what one of ordinary skill in the art would consider as the extracted material, the detergent, or the natural plant. Claims 11-16 are indefinite because it is unclear whether the detergent is equivalent to the extracted material. Claims 13 and 18 are indefinite because it is unclear what is meant by conditioning a pH value. Claims 13-14 are further indefinite because it is unclear whether the steps are performed after the cleaning step recited in claim 9.

***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 9, 11-13 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by McCormick et al. (3544365).

McCormick teaches a method of cleaning metallic utensils using an organic acid (citric acid) and a surfactant (col. 1, lines 15-20, col. 2, lines 55-60). In reference to claims 11-12 and 16, refer to col. 4, lines 5-15, and 30-35. In reference to claim 13, the limitations are inherently met in view of the indefiniteness and since McCormick is performing the same method steps as the instantly claimed invention.

13. Claims 9 and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Duckett et al. (6341612).

Duckett et al. teach a method of cleaning baked on residues from walls of a chamber by contacting with an acid solution comprising citric acid and a surfactant (col. 12, lines 25-35). In reference to claim 13, the limitations are inherently met in view of the indefiniteness and since Duckett et al. is performing the same method steps as the instantly claimed invention. In reference to claims 14-15, refer to col. 5, lines 50-65 and col. 7, lines 25-35. In reference to claim 16, refer to Fig. 1, col. 5, lines 15-20.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brabrand et al teach a method of cleaning a hydraulic system

using citric acid. Bachi et al. teaches HCA verses citric. Compton et al. teaches cleaning metal surfaces. Howanitz et al. teach cleaning hard surfaces. Ehren and Ouyang et al. teach cleaning metal surfaces. Held, III teach cleaning plastic parts. Murch et al. teach a method of cleaning produce.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharidan Carrillo whose telephone number is 571-272-1297. The examiner can normally be reached on Monday-Friday, 6:00a.m-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sharidan Carrillo  
Primary Examiner  
Art Unit 1746

bsc



SHARIDAN CARRILLO  
PRIMARY EXAMINER